

## **REMARKS**

Claims 4, 5, 11-14, 18 and 19 have been amended. Claims 1-3, 6-10, 15-17, 20 and 21 were cancelled. Claims 22-51 have been added. Therefore claims 4, 5, 11-14, 18, 19 and 22-51 are pending in the application.

Claims 4, 5, 11-14, and 18-19 have been rewritten in independent form. Claim 13 was also amended to correct a clerical error.

### **Section 102 Rejections:**

The Office Action rejected claims 1-3, 6-10, 15-17, 20 and 21 under 35 U.S.C. § 102(a or e) as being anticipated by Kedem (U.S. Patent 6,154,853). Claims 1, 3, 6, 7-10, 15, 17, 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Iwatani et al. (U.S. Patent 6,079,029) (hereinafter "Iwatani"). These rejections are moot in light of the cancellation of the rejected claims.

### **Allowable Subject Matter:**

Claims 4, 5, 11-14, 18 and 19 were objected to as being dependent upon a rejected base claim but otherwise allowable if rewritten in independent form. Claims 4, 5, 11-14, 18 and 19 have been rewritten in independent form and Applicant respectfully submits that they are ready for allowance.

### **Added Claims:**

Applicants assert that added claims 22-51 are patentable over the prior art because neither Kedem nor Iwatani teach combining an array in which a failure is detected with another array of a plurality of arrays into a new array comprising all non-failed disk drives of the two combined arrays. In contrast, Kedem teaches a method for changing a RAID storage configuration into a mirror storage configuration. According to Kedem, in

response to a failing device in a RAID array, data are copied from the failing volume to the array's parity volumes and all the data from the array are copied to spare devices, as well, to allow the system to work in a mirrored configuration. (Kedem, Abstract and column 2, lines 32-41).

Iwatani teaches a system where, in response to a failed device in one logic group, a redundant spare from another logic group is "fetched" into the failed logic group and configured to perform as a replacement for the failed device. Thus, under Iwatani, a single, redundant, device is moved from one logic group to another while maintaining the data storage configuration (RAID-2, RAID-5, etc) of both logic groups. (Iwatani, Abstract, column 3, lines 5-14, column 7, lines 5-29).

## CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-89100/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (      ).
- ☐ Other:

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: July 27, 2004